



CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Adjourned Regular Meeting
November 29, 2006**

6:00 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

**8200 Westminster Boulevard
Westminster, California 92683**

**MARGIE L. RICE
Mayor**

**FRANK G. FRY
Mayor Pro Tem**

**KERMIT MARSH
Council Member**

**ANDY QUACH
Council Member**

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m. or as soon thereafter as possible.**

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. **NO action may be taken on items not listed on the agenda unless authorized by law.** Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.



ADA Assistance

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

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November 29, 2006

6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager Andy Hall, Director of Personnel/Risk Management Pat Corcoran and Finance Director Paul Espinoza; Employee Organization: Westminster Police Officers' Association (WPOA); and

RECESS:

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November 29, 2006

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, FRY, MARSH, QUACH

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Fry

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

A. Presentation from Time Warner

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1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of October 25, 2006, November 8, 2006, and November 22, 2006 (Marian Contreras)**

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

RECOMMENDATION: Approve.

- 1.3 Fee Waiver Request from the Orange County Rose Society for 2007 (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council deny the fee waiver request for use of City facilities based on the criteria established by the Administrative Regulation detailing the Fee Waiver Policy for Community Groups/Non-Profit Organizations dated February 8, 2006.

- 1.4 Award of Contract for Public Meeting Telecast System Upgrade (Andy Hall)**

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to Burst Communications, Inc. in the amount of \$100,251.63; reject the other bid; and authorize the Interim City Manager to execute the contract on behalf of the City.

- 1.5 Rejection of Single Bid for Forensic Services Utility Van Service Body (Mitch Waller)**

RECOMMENDATION: Staff recommends that the Mayor and City Council reject the single bid received from Pacific Truck Body which exceeds the project budget, and authorize the City Clerk to re-advertise the bid.

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1. CONSENT CALENDAR (Continued)

1.6 Award of Lease Agreements for Five Copiers (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a three-year lease agreement for five digital copiers with Konica Minolta at an annual cost of \$25,296.

1.7 Amendment No. 6 to Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to Provide Temporary Engineering Services (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 6 to the contractual Professional Services Agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$60,450.00, extending the contract for a period up to six months, and authorize the Interim City Manager to execute the amendment on behalf of the City.

1.8 Notice of Completion for Work Performed by Robert G. Castongia, Inc., for Water Improvements at Various Locations (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.9 Award of Contract for Arterial Wall Prepping and Painting Project (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the award of contract to the low qualified bidder in the amount of \$70,815.96 to Central Painting; reject all other bids; and authorize the Interim City Manager to execute the contract on behalf of the City.

1.10 Revised Agreement No. D06-025 with the County of Orange for Pavement Rehabilitation on Hazard Avenue from Beach Boulevard to Magnolia Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement to replace Agreement No. D06-025 approved by the Mayor and City Council on May 31, 2006, and authorize the Mayor to execute the agreement on behalf of the City.

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1. CONSENT CALENDAR (Continued)

- 1.11 (City/Agency) Amendment No. 1 to Consulting Agreement with Comprehensive Housing Services, Inc. to Perform Additional Required Services in FY 2006-07. (Kathy Johnston)**

RECOMMENDATION: Staff recommends that the Mayor and City Council/ Agency Board approve Amendment No. 1 to Consulting Agreement with Comprehensive Housing Services, Inc. in a total amount not to exceed \$45,000 to provide Davis Bacon Prevailing Wage Monitoring and Inspection Services, Annual Property Monitoring Services for federally funded and Agency funded properties; and authorize the Interim City Manager/Executive Director to execute the Amendment on behalf of the City and Agency.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.12 (Second Reading) Ordinance No. 2409 - An Ordinance of the Mayor and City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7601 23rd Street from M1 (Light Industrial) to R2 (Multiple Units, 08-12 units/acre).**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2409 and waive further reading.

- 1.13 Resolution No. 4048 – A Resolution of the Mayor and City Council of the City of Westminster Upholding the Appeal of and Thereby Overturning the Planning Commission Decision to Deny Case No. 2006-73 (Conditional Use Permit) Involving a Request to Amend a Planning Commission Condition of Approval Restricting the Sale of Individual Containers of Beer for Off-Site Consumption at 15991 Magnolia Street. (Michael Patterson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No.4048 and waive further reading.

WARRANT REGISTER

- 1.14 (City Council/Redevelopment Agency) Warrant Register dated November 1 through 21, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.15 Community Development Monthly Activity Report – October 2006 (Don Anderson)**

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.16 Minutes of the Planning Commission meetings held October 4 and 18, 2006 (Don Anderson)

RECOMMENDATION: Receive and file.

1.17 Minutes of the Youth Committee meeting held on September 11, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.18 Minutes of the Community Services & Recreation Commission meetings held on May 9 and October 11, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.19 Minutes of the Cultural Arts Commission meeting held on September 7, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.20 Minutes of the Commission on Aging meeting held on September 11, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on November 15, 2006. (Don Anderson)

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of November 15, 2006.

- 1) Case 2006-59 (Conditional Use Permit and Variance) to allow the on-sale of beer and wine and entertainment in conjunction with a proposed restaurant and a Variance to allow a portion of the subject site's parking area to vary from the minimum in Catinat Plaza located at 9741 and 9743 Bolsa Avenue.
- 2) Case 2006-88 Appeal of Staff's decision to Planning Commission pertaining to equipment screening and utility connections for a soil remediation unit. Location: 8481 Westminster Boulevard (northwest corner of Westminster Boulevard and Newland Street).

4. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

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4. PUBLIC HEARINGS (Continued)

- 4.1 APPEAL OF PLANNING COMMISSION ACTION OF OCTOBER 18, 2006, APPROVING CASE NO. 2006-24 (VARIANCE, CONDITIONAL USE PERMIT, SITE PLAN, DESIGN REVIEW); LOCATION: 13982 BOLSA CHICA ROAD. APPLICANT: MR. DAN POPA OF RHL DESIGN GROUP; APPELLANTS: DENNIS C. TURNER, RANDALL RESSELL, DON AND CAROL SALOW**

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4051 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission decision to approve Case No. 2006-24 pertaining to a Variance, Conditional Use Permit, Site Plan and Design Review for the construction and operation of a 7-Eleven Market with reduced rear and interior side yard setbacks, off-sale of beer and wine and an automobile service station located at 13982 Bolsa Chica Road", and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – None

5.3 Conceptual Design Review for Gateway on Bolsa Corridor (Mayor Rice/Council Member Quach)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- 6.1 (City/Agency) Recaptured HOME Program Income Funds, Existing HOME Program Income Funds, and Redevelopment Low and Moderate Income Housing Funds to Abrazar, Inc. (Kathy Johnston)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the allocation of the "recaptured" HOME Program Income funds in the amount of \$100,168, allocation of existing HOME Program Income of \$30,468 to Abrazar, Inc for acquisition costs of an affordable condominium unit at 6902 Homer Street, # 94; and
- 2) Approve the HOME/CHDO Program Participation Agreement with Abrazar, Inc. to implement the acquisition.

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve the allocation of Redevelopment Low- and Moderate Income Housing Funds of \$261,788 to Abrazar Inc. for the acquisition, closing and rehabilitation costs of an affordable condominium unit at 6902 Homer Street, # 94; and
- 2) Approve the Affordable Housing Assistance Agreement with Abrazar, Inc. to implement the acquisition.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 Resolution No. 4043 – Establishing Policies and Procedures for Providing Water Services to Proposed or Approved Developments that Include Housing Units Affordable to Lower Income Households. (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4043 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopted in accordance with Government Code Section §65589.7 to establish policies and procedures for providing water services to proposed or approved developments that include housing units affordable to lower income households", and waive further reading.

6.3 Cooperative Agreement No. C-6-0830 between the City of Westminster and Orange County Transportation Authority for City-Initiated Transit Extensions to Metrolink and Partnering Agreement between the City of Westminster and the City of Huntington Beach to Conduct a Transit Study under the OCTA "Go Local" Program (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve Cooperative Agreement No. C-6-0830 with the Orange County Transportation Authority and authorize the Mayor to execute the agreement on behalf of the City; and
- 2) Approve the "Go Local" Partnering Agreement with the City of Huntington Beach and authorize the Interim City Manager to execute the agreement on behalf of the City.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS – None

10. COUNCIL/AGENCY ADJOURNMENT: To Wednesday, December 6, 2006 at 7:00 p.m. in the Council Chamber, 8200 Westminster Boulevard, Westminster, California for the purpose of declaring the results of the November 7, 2006 General Municipal Election, Administration of the Oaths of Office to the Newly Elected Officials, Selection of a Mayor Pro Tem, and to discuss City/Agency business.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.


Marian Contreras, City Clerk/Agency Secretary